

Case No. 07 CV 6211 (Scheidlin)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
<b>Alan Newton,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>The City of New York, et al.,</b>  <b>Defendants.</b>
<b>SUMMONS WITH PROOF OF SERVICE ON DEFENDANT HARRIS</b>
<b>LAW OFFICE OF JOHN F. SCHUTTY P.C.</b> <i>Attorney for Plaintiff</i>  <i>445 Park Avenue, 9<sup>th</sup> Floor</i> <i>Borough of Manhattan</i> <i>New York, New York 10022</i> <i>(212) 836-4796</i>

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

ALAN NEWTON,

## SUMMONS IN A CIVIL CASE

V.

THE CITY OF NEW YORK, et al.  
(See Attached Rider "A" for list of other  
Defendants)

CASE NUMBER:

07 CV 6211

JUDGE SCHEINDLIN

TO: (Name and address of defendant)

The City of New York  
c/o Comptroller of the City of New York  
1 Centre Street  
New York, NY 10007 (See Attached Rider "B" for list of other Defendants)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John F. Schutty, Esq.  
Law Office of John F. Schutty, P.C.  
445 Park Avenue, 9th Floor  
New York, NY 10022

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

JUL 03 2007

CLERK

DATE

(BY) DEPUTY CLERK

ALAN NEWTON

Plaintiff(s)

Index # 07 CV 6211 (SCHEINDLIN)

- against -

Purchased July 3, 2007

THE CITY OF NEW YORK, ETAL

Defendant(s)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on September 24, 2007 at 03:33 PM at

C/O NYPD  
POLICE ACADEMY  
235 EAST 20TH STREET  
ROOM 617  
NEW YORK, NY 10003-1801

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN; INDIVIDUAL RULES AND PROCEDURES JUDGE SHIRA A.\* on DETECTIVE "JOHN DOE" HARRIS S/H/A ROLAND HARRIS therein named,

**SUITABLE  
AGE**

by delivering thereat a true copy of each to OFFICER MARTINEZ #8318 a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age (Approx.)</u>	<u>Height (Approx.)</u>	<u>Weight (Approx)</u>
<u>FEMALE</u>	<u>BROWN</u>	<u>BROWN</u>	<u>40</u>	<u>5'3</u>	<u>145</u>

**MAILING**

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

POLICE ACADEMY  
235 EAST 20TH STREET  
ROOM 911  
NEW YORK, NY 10003-1801

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on September 25, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY  
SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

\*SCHEINDLIN

Sworn to me on: September 25, 2007

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4699723  
Qualified in New York County  
Comm. Expires February 10, 2010

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Comm. Expires December 4, 2010

BYRAN E. MCELDERRY  
License #: 869802  
Invoice #: 447932

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: September 25, 2007

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Notary Public, State of New York  
No. 02GR4699723  
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